IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35773 of 2008
CHHATHU RAM
Versus
THE STATE OF BIHAR THRU. VIG.
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2 18.09.2008 Heard.

The FIR was lodged under Sections 420, 468, 409, 471, 477A, 167, 170, 109 and 120B of the Indian Penal Code as alleged Section 12(2) read with Section 13(1)(D) of Prevention of Corruption Act and also under Section 4/10 of the Bihar Examination Conduct Act against the petitioner and several others, who were the Directors of Evaluation Centre, Members of Board of Directors of Bihar Sanskrit Shiksha Board, Patna and the Examiners and Co-ordinators with regard to Madhyama Examination, 2007 conducted by Bihar Sanskrit Shiksha Board.

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The allegation, so far the petitioner accused is concerned, is that he, along with the other accused persons conspired and appointed the Evaluators, who were not of standard merit and that forgery and manipulations were also done in the examination of copies, in which lesser marks were given to meritorious candidates and as a result of unscrupulous examination of answer book marks were bolstered up and incompetent persons got higher marks. Further allegation was that the petitioner, in collusion with others made illegal recruitment or nomination of the Evaluators and huge amounts of T.A and D.A were illegally paid to them.

Learned counsel for the petitioner submitted that the petitioner had worked as the Director of the Evaluation Centre at

Saristabad, Patna and that two other accused, namely, Uma Shankar Ram and Brajnandan Singh had also worked, as such in connection with two other evaluation centers and the allegation against them was similar and that they have been allowed bail by a Bench of this Court vide order dated 19.08.2008 in Cr. Misc. No. 31335 of 2008.

Learned counsel further submits that the petitioner being the Director of the Evaluation Centre was mainly concerned with the administrative work and he was responsible for the smooth functioning and the conduct of the evaluation work, as per the rules which he has done and in that regard there is no specific allegation on him. It is also submitted that so far the allegation of enhancing the marks of incompetence examinees and giving lesser marks to competent examinees is concerned any specific instance is not pointed out in the FIR. It is also submitted that the petitioner was not directly responsible for the appointment or nomination of the evaluators but it was done by the Board of Directors. The petitioner is said to be in custody since 9.06.2008.

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Mr. Chandramauli Chorasia learned Special PP, Vigilance does not point out any other materials against the petitioner. It is submitted that the case is under investigation and specific materials are likely to be collected against each person.

Considering the facts and circumstances of the case, the petitioner, Chhathu Ram is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance I,

Patna in connection with Vigilance P.S. Case No. 33 of 2008 (Spl. Case No. 24 of 2008).

Kundan **(C. M. Prasad, J.)**

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